

AMENDED IN ASSEMBLY JUNE 1, 2005

AMENDED IN ASSEMBLY MAY 27, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1297

Introduced by Assembly Member Evans

February 22, 2005

An act to add and repeal Part 2.8 (commencing with Section 18970) of Division 13 of the Health and Safety Code, Sections 17070.756, 17584.4, and 17591.5 to the Education Code, relating to ~~buildings~~ school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1297, as amended, Evans. Buildings: rehabilitation.

Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act of 1998), requires the State Allocation Board to apportion to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Existing law requires the board to require school districts that receive funding under the Greene Act of 1998 to establish a restricted account within the school district's general fund and to deposit an amount equal to 3% of the school district's general fund, including other financing uses, into the account for maintenance of school facilities.

This bill would allow school districts to use the funds in the account for repairs or renovations to prevent poor indoor air quality conditions in school facilities.

Existing law authorizes the governing board of a school district to establish a restricted deferred maintenance fund, provides for the

deposit of prescribed local funds, and provides for the deposit of matching state funds. Existing law requires the State Allocation Board to apportion to school districts the state matching funds for deferred maintenance, and establishes the maximum required local deferred maintenance budget.

This bill would allow school districts to use the funds apportioned by the State Allocation Board for repairs or renovations to prevent poor indoor air quality conditions in school facilities. This bill would impose a state-mandated local program by requiring school districts to ensure that school facilities have heating, ventilation, and air-conditioning systems that meet the minimum requirements of regulations enacted by the Division of Industrial Safety that govern the quality of air provided to employees in places of employment. This bill would require school districts to use contractors who have been certified by a nationally recognized organization as qualified to inspect, maintain, and repair heating, ventilation and air-conditioning systems.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law establishes the California Building Standards Commission, provides for the adoption of the California Building Standards Code, and contains various provisions relating to the safety and reuse of buildings.~~

~~This bill would, until January 1, 2009, establish the California Building Rehabilitation Code Advisory Council, which would be required to recommend whether development of a California building rehabilitation guideline would improve the reuse and safety of existing buildings and whether it should be adopted as an appendix to the California Building Standards Code.~~

~~The bill would require specified reports and recommendations to be made to the commission, advisory panels appointed by the commission, and the Legislature by prescribed dates.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 17070.756 is added to the Education*
2 *Code, to read:*

3 *17070.756. School districts may use funds in the account*
4 *established pursuant to paragraph (1) of subdivision (b) of*
5 *Section 17070.75 for repairs or renovations to prevent poor*
6 *indoor air quality conditions in school facilities.*

7 *SEC. 2. Section 17584.4 is added to the Education Code, to*
8 *read:*

9 *17584.4. School districts may use funds apportioned pursuant*
10 *to Section 17584 for repairs or renovations to prevent poor*
11 *indoor air quality conditions in school facilities.*

12 *SEC. 3. Section 17591.5 is added to the Education Code, to*
13 *read:*

14 *17591.5. (a) A school district shall ensure that facilities,*
15 *including, but not limited to, classrooms for pupils, have heating,*
16 *ventilation and air-conditioning (HVAC) systems that meet the*
17 *minimum requirements of indoor air quality regulations enacted*
18 *pursuant to Section 142.3 of the Labor Code, in order to prevent*
19 *pupils from being exposed to poor indoor air quality conditions.*

20 *(b) In carrying out the requirements of subdivision (a), a*
21 *school district shall utilize contractors that have been certified in*
22 *providing for the inspection, maintenance, and repair of HVAC*
23 *systems by a nationally recognized organization.*

24 *SEC. 4. If the Commission on State Mandates determines that*
25 *this act contains costs mandated by the state, reimbursement to*
26 *local agencies and school districts for those costs shall be made*
27 *pursuant to Part 7 (commencing with Section 17500) of Division*
28 *4 of Title 2 of the Government Code.*

29 ~~*SECTION 1. Part 2.8 (commencing with Section 18970) is*~~
30 ~~*added to Division 13 of the Health and Safety Code, to read:*~~

31
32 **PART 2.8. BUILDING REHABILITATION**
33

34 ~~*18970. There is hereby established the California Building*~~
35 ~~*Rehabilitation Code Advisory Council.*~~

36 ~~*18971. (a) Members of the council shall be appointed by the*~~
37 ~~*executive director of the California Building Standards*~~
38 ~~*Commission by March 31, 2006.*~~

~~(b) The members shall include, but not be limited to, one representative from each of the following: the California Building Standards Commission, the Department of Housing and Community Development, the Division of the State Architect, the office of the State Fire Marshal, the State Energy Resources Conservation and Development Commission, the Seismic Safety Commission, the League of California Cities, the California State Association of Counties, the California Building Industry Association, the Building Owners and Managers Association, the County Building Officials Association of California, the California Building Officials, the American Institute of Architects California Council, the California Apartment Association, the Structural Engineers Association of California, the Concrete Masonry Association of California and Nevada, the California Hotel and Motel Association, the Consulting Engineers and Land Surveyors of California, the California Business Properties Association, the California Foundation for Independent Living Centers, the California Professional Firefighters, an organization that represents low-income tenants, and the California Association of Realtors.~~

~~(c) The members of the council shall serve without compensation and shall not be reimbursed by the state for expenses.~~

~~18972. (a) The council shall recommend to the appropriate advisory panels of the commission established pursuant to Section 18927 whether development of a California building rehabilitation guideline would improve the reuse and safety of existing residential and nonresidential buildings, and whether this guideline should be adopted as a separate appendix to the California Building Standards Code that may be adopted at the discretion of local governments.~~

~~(b) In making those recommendations, the council shall consider national and state rehabilitation codes and guidelines.~~

~~(c) The commission shall assist the council in carrying out its duties pursuant to this section. The commission shall seek service assistance related to the implementation of this section from the organizations represented on the council.~~

~~(d) The council and funding from nonstate sources to provide for the implementation of this section shall make its recommendations to the advisory panels by June 30, 2007.~~

1 ~~(e) After a public hearing process, the advisory panels shall~~
2 ~~report to the commission by September 30, 2007, on whether the~~
3 ~~commission should adopt a California building rehabilitation~~
4 ~~guideline.~~

5 ~~(f) On or before March 31, 2008, the commission shall~~
6 ~~consider the following:~~

7 ~~(1) The reports and recommendations of the advisory panels~~
8 ~~completed pursuant to subdivision (e):~~

9 ~~(2) The adoption of a California building rehabilitation~~
10 ~~guideline.~~

11 ~~(g) If the commission adopts a California building~~
12 ~~rehabilitation guideline, the commission shall report to the~~
13 ~~Legislature within six months on the contents of the guideline~~
14 ~~and the expected impact on the rehabilitation of existing~~
15 ~~buildings.~~

16 ~~18973. This part shall remain in effect only until January 1,~~
17 ~~2009, and as of that date is repealed, unless a later enacted~~
18 ~~statute, that is enacted on or before January 1, 2009, deletes or~~
19 ~~extends that date.~~